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Attorneys for Plaintiff Joseph Ciampi

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
(SAN JOSE DIVISION)

JOSEPH CIAMPI

Plaintiff,

v.

CITY OF PALO ALTO, a government  
entity; LYNNE JOHNSON, an individual;  
CHIEF DENNIS BURNS, an individual;  
OFFICER KELLY BURGER, an  
individual; OFFICER MANUEL  
TEMORES, an individual; OFFICER  
APRIL WAGNER, an individual; AGENT  
DAN RYAN; SERGEANT NATASHA  
POWERS, an individual.

Defendants.

Case No. C 09 02655 PVT

**DECLARATION OF ANDREW F.  
PIERCE IN SUPPORT OF  
ADMINISTRATIVE MOTION FOR  
ORDER PERMITTING PIERCE &  
SHEARER, LLP TO WITHDRAW AS  
COUNSEL OF RECORD AND REQUEST  
FOR CONTINUANCE OF TRIAL DATE  
AND ALL RELATED DEADLINES**

[Civil L.R. 11-5]

[Civil L.R. 7-11]

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2 I, Andrew F. Pierce, hereby declare as follows:

3 1. I am the lead counsel for plaintiff Joseph Ciampi in this matter. We have reluctantly  
4 come to the conclusion that we cannot continue to represent Mr. Ciampi as he has made it  
5 impossible for us to do so. We do not come to this decision lightly.  
6

7 2. I was brought into this matter at the urging of Aram James. As the court may recall, I  
8 represented Mr. James in a civil rights lawsuit against Santa Clara County assigned to Judge  
9 Fogel.

10 3. Mr. Ciampi is not interested in the opinions of the lawyers at our firm, including  
11 myself. He disagrees with our legal strategy, our assessment of evidence, our evaluation of the  
12 responsible parties, and our evaluation of the strategies for trial and/or settlement. When we  
13 took the case we knew that Mr. Ciampi, like many victims of official misconduct, had strong  
14 feelings about the matter. What we did not anticipate was his escalating hostility to his own  
15 attorneys.  
16

17 4. There are limitations on what we can and will disclose because we do not wish to  
18 reveal attorney client confidential communications or impact Mr. Ciampi's case. If necessary,  
19 we can provide detailed, privileged information in an *in camera* hearing.  
20

21 5. Generally, Mr. Ciampi has repeatedly accused us of failing to adequately represent  
22 his interests and withholding information. At various times, he has insisted that we take  
23 approaches to the case that we believe are unwise.

24 6. At various times Mr. Ciampi has accused us of intentionally failing to obtain evidence  
25 that he believes is pertinent to his claims, although Mr. Ciampi has been consulted on all stages  
26 of the discovery process. Given that discovery does not close until mid September, we have  
27 employed and paid the expert Mr. Ciampi selected, and we have reviewed evidence with him in  
28

1 great detail, we believe Mr. Ciampi does not have a reasonable basis for that belief. Such  
 2 charges greatly impact our ability to represent him, as we are constantly distracted by his  
 3 accusations.

4  
 5 7. Mr. Ciampi told third parties that I told him his case was worth various dollar  
 6 amounts. None of the figures he has mentioned to third parties were figures that I ever told him  
 7 represented the value of his case. While I understand that Mr. Ciampi may have misunderstood  
 8 things he has been told, we cannot tolerate his repeating incorrect information to third parties  
 9 outside the context of confidentiality and accusing us of misrepresenting the case to him.

10 8. In an email on March 27, 2010 to Aram James and others, Mr. Ciampi accused me of  
 11 lying to him about the forensic evidence. Mr. Ciampi also referred to me personally as a "total  
 12 fraud," and accused me of intentionally sabotaging the case in order to protect the Palo Alto  
 13 police department.

14  
 15 9. While I believe Mr. Ciampi has legitimate grounds for his suit, Mr. Ciampi clearly  
 16 needs to find a new attorney, and to respect that attorney's professional opinions, honor their  
 17 request not to disclose attorney client communications, and generally cooperate with that person  
 18 or persons. We have tolerated Mr. Ciampi for as long as was reasonable, and more. We cannot  
 19 work with him further. We have repeatedly attempted to get him to sign a substitution of  
 20 attorney, but the conditions that he has placed on that, which include changes to the court's  
 21 schedule that are not achievable unilaterally, have made that impossible.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 16th day of April at Palo Alto, California.

Andrew F. Pierce  
Andrew F. Pierce  
Attorney for Plaintiff Joseph Ciampi